

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 31, 1974
1:00 P.M.Electric Auditorium
301 West Avenue

The meeting was called to order with Mayor Pro Tem Love presiding.

Roll Call:

Present: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Pro Tem Love

Absent: Councilman Binder, Mayor Butler

The Invocation was delivered by REVEREND M. WALTON, Trinity United Methodist Church.

AMERICAN EDUCATION WEEK

Mayor Pro Tem Love read and then presented a proclamation to Jana Johnson, President of Future Teachers of America at Murchison Junior High School, Donna Brooks, Michael Mercer, and Kim Abney proclaiming the week of October 27 - November 2, 1974, as "American Education Week" and encouraged all residents to join the Council in supporting this effort to improve Austin's educational system through public awareness.

Mayor Pro Tem Love took this opportunity to recognize the principal of Murchison, Mr. Lloyd Treadwell, who in turn introduced his assistant, Mr. Oscar Kellner.

RECOGNITION

Councilman Dryden read and then presented a resolution signed by the Mayor and Council to Ms. Lolla D. Martinez, niece of Miss Lucinda Duran, who will be celebrating her 100th birthday on October 31, 1974. It was noted that to honor Miss Duran, the United Action for the Elderly, Inc., would be sponsoring a party to honor her at her home at 2426 Webberville Road on October 31, 1974, from 1:30 to 2:30 p.m.

UNICEF DAY

Councilman Handcox read and then presented a proclamation to Mrs. Margret Hofmann and Mrs. Judy Liro proclaiming Thursday, October 31, 1974, as "UNICEF Day" and urged every citizen to buy UNICEF Christmas cards and to participate in trick or treat for UNICEF and to welcome properly identified trick or treaters at the door. Mrs. Hofmann and Mrs. Liro presented the Council with the UNICEF containers and thanked the Council for helping in this effort.

INTRODUCTION

Councilman Friedman took this opportunity to introduce his parents, Sid and Evelyn Friedman.

APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Special Meeting Minutes of October 24, 1974 (11:00 a.m.) and the Regular Meeting Minutes of October 24, 1974 (1:00 p.m.). The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Lebermann
Noes: None
Absent: Mayor Butler, Councilman Binder
Not in Council Chamber when roll was called: Councilman Dryden

TAX APPEALS

Mayor Pro Tem Love opened the consideration of tax appeals scheduled for 1:00 p.m.:

Thomas A. Womack

Mr. Jack Klitgaard, Tax Assessor-Collector, reviewed this noting that this was an appeal of the decision of the Board of Equalization, with the property being located at 1008 East 43rd Street. He stated that the Board had determined that the home needed painting and had termite damage and had fixed a market value on the property in connection with sales in the general area. He noted that Mr. Womack did qualify for the new \$5,000 homestead exemption, thereby leaving an assessed value of \$430 fixed by the Board. Councilman Handcox moved that the Council uphold the decision of the Board of Equalization as follows:

<u>Description</u>	<u>Assessed Value Fixed by Board</u>	<u>Council Action</u>
1008 East 43rd Street	Land \$ 430	\$ 430
Lot 3 and East 5 feet of Lot 2, Outlot 18, Division C, Country Club Terrace Parcel #2-1809-0214	Improvements	

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Lebermann

Noes: None

Absent: Councilman Binder, Mayor Butler

Not in Council Chamber when roll was called: Councilman Dryden

Jack Ritter, Jr.

Mr. Klitgaard noted that this appeal involved 9 pieces of property. In response to Councilman Friedman's question, Mr. Klitgaard felt that the values placed on the property and the tax evaluations had been reached fairly. Councilman Lebermann moved that the Council uphold the decision of the Board of Equalization as follows:

<u>Description</u>		<u>Assessed Value Fixed by Board</u>	<u>Council Action</u>
1011 Alegria Road Lot 7, Block C, Westview Heights Parcel #2-2907-0950	Land Improvements	\$8,620	\$8,620
503 East 46th Street Lot 2, Block 4, Outlot 16, Division C, Stachely Parcel #2-2108-1205	Land Improvements	\$7,630	\$7,630
4611 East 19th Street Lot 1, R.L. Wormley Subdivision Parcel #2-1322-0306	Land Improvements	\$20,020	\$20,020
3201 Maywood Lot 4, Woods Knoll Addition Parcel #1-2105-0338	Land Improvements	\$30,390	\$30,390
3203 Maywood Lot 5, Woods Knoll Addition Parcel #1-2105-0339	Land Improvements	\$30,510	\$30,510
3004 Maywood Lot 10, Woods Knoll Addition Parcel #1-2105-0344	Land Improvements	\$33,620	\$33,620
501 East 46th Street Lot 1, Block 4, Outlot 16, Division C, Stachely Parcel #2-2108-1204	Land Improvements	\$9,700	\$9,700
507 East 46th Street Lot 4, Block 4, Outlot 16, Division C, Stachely Parcel #2-2108-1207	Land Improvements	\$5,650	\$5,650

<u>Description (cont.)</u>	<u>Assessed Value Fixed by Board</u>	<u>Council Action</u>
509 East 46th Street Lot 5, Block 4, Outlot 16, Division C, Staehely Parcel #2-2108-1208	Land \$5,480 Improvements	\$5,480

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Pro Tem Love

Noes: None

Absent: Councilman Binder, Mayor Butler

Owen H. Graham, Jr.

Mr. Klitgaard stated that this involved property located at 711 Graham Street and that it had no value other than the duplex. He added that Mr. Graham had told the Board that this rented for \$230 a month, and thus far had failed to show a profit. He indicated that the Board had treated this on the basis that it was no different from the other property of its location. He added that this was on quite a narrow street with a unit value of \$150 a front foot applied to all the property up and down the street. Councilman Friedman moved that the Council uphold the decision of the Board of Equalization as follows:

<u>Description</u>	<u>Assessed Value Fixed by Board</u>	<u>Council Action</u>
711 Graham Street 50 x 84 ft. Outlot 52, Division D Parcel #2-1401-0216	Land \$7,820 Improvements	\$7,820

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Pro Tem Love

Noes: None

Absent: Mayor Butler, Councilman Binder

In response to Mayor Pro Tem Love's question, Mr. Klitgaard stated that the Board heard appeals on 1,100 pieces of property. In response to Councilman Lebermann's question with regard to the fact that none of the three appellants were present, the City Clerk stated that they had been notified.

Mr. Klitgaard mentioned that a letter had been transmitted to him from Mr. William F. Turman, representing Austin Investments, Ltd., appealing the Board's decision. Mr. Klitgaard stated that when the Council voted to close any further appeals, this request had been in the City Attorney's office on the same date. He requested that the Council decide whether this should be heard. It was the consensus of the Council that this appeal be heard on November 21, 1974, at 1:00 p.m.

HEARING TO CONSIDER ANNEXATION

Mayor Pro Tem Love opened the public hearing scheduled for 1:00 p.m. to consider the annexation of the following:

1,069.71 total acres of land: (reduced to 981.20 acres)

1. 337.66 acres of land out of the Thomas Anderson Survey. Bannockburn, Woodstone, Plumley Addition and unplatted land and portions of Brodie Lane and McCarty Road. (226.83 acres requested by Frontier Trails, Inc., owner; 110.83 acres initiated by City.)
2. 384.32 acres of land out of the Theodore Bissel League and the Thomas Anderson Survey. Oak Plantations, Kincheon Subdivision, Sections 1 and 2, The Sunset Estates, E. E. Cameron Subdivision and unplatted land and Cemetery Road, portions of Brodie Lane and Longview Road. (54.89 acres requested by Oscar W. Holmes, Engineer, representing Nelson Puett, Jr., owner; 329.43 acres initiated by City.)
3. 347.73 acres of land out of the Theodore Bissel League. Shiloh unplatted land and a portion of Manchaca Road. (105.53 acres requested by S. A. Garza, Engineer, representing Joe Gilbreth, owner; 242.20 acres initiated by City.)

Mr. Dick Lillie, Planning Department Director, reviewed this by stating that it involved 4 subdivisions; and in order to bring these in, it would be necessary to proceed out from the City limit line. He added that the area immediately surrounding the proposals was under development, and two school sites had been acquired by the Austin Independent School District. He further indicated that there were two water lines in place, Water District 9 and Water District 5.

With regard to approval from the departments involved, Mr. Lillie commented that only two had indicated a particular problem with annexation. The Water and Wastewater Department had indicated that much of the area involved was in the Boggy Creek Watershed, which is in the design stage; and the line would be initiated in 1974-75 and open for use two to three years later. The Public Works Department felt that accessibility to the area with respect to refuse collection was an immediate problem.

Mr. Lillie pointed out that upon annexation, this would entail the extension of all City codes and ordinances including zoning and building standards, extension of fire and police protection, and extension of refuse collection service. He noted that within 3 years there would be water and wastewater facilities comparable to similar areas within the City.

He noted that if this were to be annexed prior to December 31, 1974, the City taxes would be due and payable by January 1, 1976; but if this were annexed after the first of 1975, taxes would be due and payable January 1, 1977. It was his information that if the City did acquire Water District 9, the water district taxes would no longer be due of the individuals.

He recommended that the Council proceed with the annexation; however, he noted that it had been requested by Mr. Buford Stewart that the north half of the Bannockburn Subdivision not be annexed at this time. He added that the south half was already final and filed with the County Courthouse, but Mr. Stewart had indicated that there was no immediate need to proceed with annexation on the north half. Mr. Lillie added that this was not surrounded by any property presently annexed by the City.

Mr. Woodrow Sledge, representing the Austin Independent School District, felt that the timing was right for this annexation; and he pointed out that it was of no importance to the School District as to whether or not this was done before or after January 1; however, he added that they did need the junior high school.

Councilman Lebermann moved that the Council close the public hearing and direct the administration to institute annexation proceedings to annex the afore-mentioned property with the exception of the north half of the Bannockburn Subdivision (for a total acreage of 981.20). The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Dryden, Friedman
Noes: None
Absent: Mayor Butler, Councilman Binder

ZONING HEARING

Mayor Pro Tem Love opened the public hearing on reconsideration of the following zoning, which was acted on by the Council on October 3, 1974, and passage of the Ordinance:

HARRY JOSEPH	1116-1124 East 51st	From "A" Residence
By Tom Curtis	Street, also bounded	To "GR" General Retail
C14-74-129	by East 52nd Street	(as amended)
		RECOMMENDED by the Planning
		Commission as amended subject
		to 1/2 the additional right-
		of-way (5') to increase East
		52nd Street to 60'

Mr. Don Butler, City Attorney, pointed out that no final action had actually been taken in that the ordinance had not been passed on October 3, 1974. Mr. Dick Lillie reviewed this by stating that the Council had approved the staff's recommendation; however, there had been a misunderstanding as to what the staff's recommendation had actually been. He noted that the Planning Commission Minutes had reflected that the final recommendation had been "LR" on the entire tract; however, at the meeting it had been suggested that "GR" General Retail be granted on the south half and "LR" Local Retail on the north half, and that was the basis on which Mr. Curtis had agreed. Mr. Lillie stated that it was their position to recommend "GR" General Retail District on this portion and "LR" Local Retail District on the north half.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 1.867 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT, SAVE AND EXCEPT THE NORTH 196 FEET WHICH IS HEREBY ZONED FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT, LOCALLY KNOWN AS 1116-1124 EAST 51ST STREET AND ALSO BEING BOUNDED BY EAST 52ND STREET; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox

Noes: None

Absent: Mayor Butler, Councilman Binder

The Mayor Pro Tem announced that the ordinance had been finally passed.

RELEASE OF EASEMENTS

Councilman Dryden moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a public utilities easement five (5.00) feet in width in the 7.00-acre tract of land out of the THOMAS ANDERSON LEAGUE. (Requested by Mr. Ralph W. Harris, Registered Public Surveyor, representing Mr. Cecil A. Hill, owner.)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox, Lebermann

Noes: None

Absent: Mayor Butler, Councilman Binder

Councilman Dryden moved that the Council adopt a resolution authorizing release of the following easement:

1.5 feet of the public utilities easement five (5.00) feet in width at the rear of Lot 10, WILSHIRE PARK, said Lot 10, also being known as 4212 Wilshire Parkway. (Requested by Mr. E. E. Beran, Architect, representing Mr. Joseph M. Wilkinson, owner.)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Mayor Butler, Councilman Binder

Councilman Dryden moved that the Council adopt a resolution authorizing release of the following easement:

The main portion of a public utilities easement three (3.00) feet in width along the north line of Lot 13, Block B, BARTON HILLS, SECTION SEVEN. (Requested by Mr. Al Struhall, owner.)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Mayor Butler, Councilman Binder

LICENSE AGREEMENTS

Councilman Dryden moved that the Council adopt a resolution granting the following license agreement:

MR. AL STRUHALL - Permitting encroachment by a driveway and wall upon a portion of the public utilities easement seven and one-half (7.50) feet in width at the rear of Lot 13, Block B, Barton Hills, Section Seven, said Lot 13, also being known as 1705 Gaywood Cove. (Requested by Mr. Al Struhall, owner.)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Councilman Binder, Mayor Butler

Councilman Dryden moved that the Council adopt a resolution granting the following license agreement:

CLEAR CREEK PROPERTIES, INC. - Permitting installation of private utilities and carports in the easements for public utilities, drainage, and accessways which cover the common acres and private drives in Greenslopes, Phase 1, a planned unit development (P.U.D.) subdivision. (Requested by Davis-Webb Engineering, representing Clear Creek Properties, Inc., owner.)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Councilman Binder, Mayor Butler

Councilman Dryden moved that the Council adopt a resolution granting the following license agreement:

MR. JAMES P. NASH and NIGHT HAWK FOODS, INC. - Permitting continuation of existing improvements over a natural drainage swale on the property owned by Mr. Nash and leased by Night Hawk Foods, Inc., out of the Santiago Del Valle Grant at the northwest corner of the intersection of Shelby Lane and Interstate Highway 35, said property being subject to proposed subdivision called Night Hawk Addition. (Requested by Mr. James Nash, owner, and Mr. R. Harry Akin, attorney representing Night Hawk Foods, Inc.)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Councilman Binder, Mayor Butler

CASH SETTLEMENTS

Councilman Lebermann moved that the Council adopt a resolution authorizing cash settlement as follows:

NORWALL, INC. - 60/40% cash settlement for water and wastewater service installation to Quail Creek West, Phase 2, Section 4. Water: Developer's share at 40% \$272.50; City's share at 60% \$408.75. Wastewater: Developer's share at 40% \$73.00; City's share at 60% \$109.50. Total cost of construction - \$863.75.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love

Noes: Councilman Friedman

Absent: Councilman Binder, Mayor Butler

Councilman Lebermann moved that the Council adopt a resolution authorizing cash settlement as follows:

J. B. FORD, DAVID D. FORD, and VIRGINIA FORD WOMMACK - 60/40% cash settlement for water and wastewater installation to Ford Village Annex. Water: Developer's share at 40% \$355.60; City's share at 60% \$533.40. Wastewater: Developer's share at 40% \$112.40; City's share at 60% \$168.60. Total cost of construction - \$1,170.00.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love
Noes: Councilman Friedman
Absent: Councilman Binder, Mayor Butler

Councilman Lebermann moved that the Council adopt a resolution authorizing cash settlement as follows:

THOMAS REALTY COMPANY - 60/40% cash settlement for wastewater main extension to 1912 Peoples Street. Developer's share at 40% \$500.00; City's share at 60% \$750.00. Total cost of construction - \$1,250.00.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Pro Tem Love
Noes: Councilman Friedman
Absent: Councilman Binder, Mayor Butler

CONTRACTS AWARDED

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

DEALERS ELECTRICAL SUPPLY	- Large Lamps, Central Stores
6714 North Lamar Boulevard	Division. 12-months' supply
Austin, Texas	agreement. Items 1-5 - \$37,640.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Pro Tem Love
Noes: None
Absent: Mayor Butler, Councilman Binder

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

ROOSTER ANDREWS SPORTING GOODS, INC.	- Athletic Equipment, Parks and
3901 Guadalupe Street	Recreation Department. Annual
Austin, Texas	supply agreement. Items 1-122 -
	\$38,694.75

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Pro Tem Love
Noes: None
Absent: Mayor Butler, Councilman Binder

Councilman Friedman moved that the Council adopt a resolution awarding the following contract:

CLARENCE CULLEN COMPANY	- Property Clearance Program,
F.M. Road 967	Health Department. 12-months'
Rt. 1 Box 182	supply agreement. All categories -
Buda, Texas	\$10,870.00

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Pro Tem Love

Noes: None

Absent: Mayor Butler, Councilman Binder

DISPOSITION OF PROPERTY

Councilman Lebermann moved that the Council adopt a resolution authorizing disposition of property as follows:

To be demolished:

15(A) Chicon Street	Clarence Cullen Company	\$191.00	negative bid
1905 Bergman Street	William G. Creamer	\$704.00	positive bid
2104 Bergman Street	Wylie W. Bennett	\$133.00	negative bid

To be moved:

24 Lynn Street	Action House Movers	\$757.67	positive bid
2007 Bergman Street	Southwest-Rathgeber Co.	\$222.20	positive bid

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Pro
Tem Love, Councilman Dryden

Noes: None

Absent: Mayor Butler, Councilman Binder

APPLICATION TO CONTINUE LUNCHEON PROGRAM FOR ELDERLY

Councilman Friedman moved that the Council adopt a resolution authorizing the submission of an application to the Governor's Committee on Aging for funds to continue the Austin-Travis County Luncheon Program for the Elderly. Grant application will be for \$133,360, which will be matched by \$14,818 of mixed in-kind services and participant donations. Contract period will be from February 1, 1975, to January 31, 1976. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Dryden, Friedman

Noes: None

Absent: Mayor Butler, Councilman Binder

APPLICATION TO CONTINUE TRANSPORTATION FOR ELDERLY PROJECT

Councilman Friedman moved that the Council adopt a resolution authorizing the submission of an application to the Area Agency on Aging for funds to continue the Transportation for the Elderly Project. Grant application will be for \$32,460 with an in-kind match of \$3,802 from Parks and Recreation services. Contract period will be from January 1, 1975, to December 31, 1975. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Dryden, Friedman
Noes: None
Absent: Mayor Butler, Councilman Binder

HEARING SET TO AMEND HISTORIC ZONING ORDINANCE

Councilman Lebermann moved that the Council set a public hearing for November 21, 1974, at 1:00 p.m. to amend the historic designation section of the Zoning Ordinance. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen
Dryden, Friedman, Handcox
Noes: None
Absent: Mayor Butler, Councilman Binder

ACQUISITION OF LAND FOR FIESTA GARDENS

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of certain land for the expansion of Fiesta Gardens:

2001 Bergman (Arno Harton Estate)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Mayor Butler, Councilman Binder

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of certain land for the expansion of Fiesta Gardens:

1903 Bergman (Faustine Rangel et ux)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Mayor Butler, Councilman Binder

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of certain land for the expansion of Fiesta Gardens:

1902 Bergman (Emma Arrevallo)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Mayor Butler, Councilman Binder

ACQUISITION OF LAND FOR MOPAC EXPRESSWAY

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of 7719 Balcones Drive (A. M. McElroy Estate et al) for the MoPac Expressway. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Mayor Butler, Councilman Binder

ACQUISITION OF LAND FOR CLIFFORD AVENUE

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of certain land for widening and paving Clifford Avenue:

750 square feet of land out of Lot 21, Henry Ulit's Unrecorded
Subdivision (C. O. Barker)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Mayor Butler, Councilman Binder

ACQUISITION OF LAND FOR MUNICIPAL ANNEX

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of 406 West Second Street (Austin National Bank, Trustee) for the Municipal Annex. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Mayor Butler, Councilman Binder

ACQUISITION OF LAND FOR ALAMO PARK

Councilman Friedman moved that the Council adopt a resolution authorizing the acquisition of 2100 Alamo Street (Wiley L. Conley, Jr.) for the expansion of Alamo Park. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Mayor Butler, Councilman Binder

LEGAL DISPOSITION OF SUBSTANDARD STRUCTURES

Councilman Handcox moved that the Council approve the recommendations from the Building Standards Commission that the Legal Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

3002 South Congress Avenue (R. A. Spears)

7203 Carver Street (Joseph Walker)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann
Noes: None
Absent: Mayor Butler, Councilman Binder

NEW LOCATION FOR COUNCIL CHAMBERS

In response to Mayor Pro Tem Love's question concerning a date that the Council would move to the new location for Council meetings, City Manager Davidson noted that construction should be completed November 15, 1974, and the Council should be able to meet in the new Chambers on November 21, 1974.

ITEM CONCERNING ENVIRONMENTAL RESOURCE

It was noted that Mr. Craig Daugherty, representing the University of Texas City Lobby, had requested to appear before the Council concerning the appointment of a new director of the Environmental Resource Management Department; however, Mr. Arthur Bond appeared in his stead. He stated that he had some thoughts for the Council regarding the appointment as well as thoughts on the Creek Ordinance, which he indicated had been passed on March 7, 1974, in an effort to prevent Austin's creeks from erosion. He felt it was apparent that the Ordinance was not fulfilling its expectations. They called upon the Council to step into this situation and strengthen the weight of the Ordinance by appointing a citizen-oriented head of the Department and by encouraging Mr. Charles Graves, Director of Engineering, to become more attentive to the potential situations for violation of the Ordinance and by providing a channel for citizen input into the current process for granting creek development permits.

Mayor Pro Tem Love pointed out that the appointment of a new director was a personnel matter to be handled by the City Manager.

IMPROVEMENTS TO ALAMO STREET AND OTHER STREETS

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Alamo and other streets)

Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann

Noes: None

Absent: Councilman Binder, Mayor Butler

The Mayor Pro Tem announced that the ordinance had been finally passed.

City Manager Davidson took this opportunity to state that bids were expected to be received for construction by December 17, 1974. He added that this represented the first set of assessments to be undertaken as described by what Council has called the "Handcox Plan."

PAVING EAST 51ST STREET

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF EAST 51ST STREET, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY TERRY EDWARDS CONSTRUCTION COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Contract No. 73-Pa-121)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler, Councilman Binder

The Mayor Pro Tem announced that the ordinance had been finally passed.

AMENDMENTS TO ZONING CODE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 740912-D, ENACTED BY THE CITY COUNCIL ON SEPTEMBER 12, 1974, BY CORRECTING THE USE DESIGNATION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (C14-74-105)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler, Councilman Binder

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 681205-B, ENACTED BY THE CITY COUNCIL ON DECEMBER 5, 1968, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY DESCRIBED IN ZONING FILE C14-68-224; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler, Councilman Binder

The Mayor Pro Tem announced that the ordinance had been finally passed.

APPROACH MAIN CONTRACT

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH H. R. BENTLEY. (Glenclyff Subdivision)

The ordinance was read the first time, and Councilman Dryden moved the ordinance be passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilman Dryden

Noes: Councilman Friedman

Absent: Mayor Butler, Councilman Binder

REFUND CONTRACTS

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH M. H. FLOURNOY AND H. R. BENTLEY. (Flournoy's Sweetbriar, Section 11, Subdivision; Glenclyff Subdivision)

The ordinance was read the first time, and Councilman Dryden moved the ordinance be passed to its second reading. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilman Dryden

Noes: Councilman Friedman

Absent: Mayor Butler, Councilman Binder

ZONING ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE NORTH 62.62 FEET OF LOT 2-A OF THE RESUBDIVISION OF LOT A, MANCHACA ROAD ADDITION, LOCALLY KNOWN AS 2001-2005 FORT VIEW ROAD AND 4300 MANCHACA ROAD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Scholars Inn, Inc., C14-74-122)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Pro Tem Love,
Councilmen Dryden, Friedman

Noes: None

Absent: Mayor Butler, Councilman Binder

The Mayor Pro Tem announced that the ordinance had been finally passed.

CITY MANAGER REPORTS

City Manager Davidson took this opportunity to announce that he had distributed information to the Council and press concerning the results of the storm this morning as well as information having to do with a survey giving a tabulation of the various categories of City employees as compared to other periods in the past.

It was noted that Mr. Davidson had been in New York City with the bond rating people. Mr. Davidson stated that they had been aware of the problems Austin had faced in connection with the energy crisis, gas shortage, and increase in prices, that not only the City was facing but the rate payers. He felt that they were very pleased with a large number of decisions made by the Council such as the following:

1. To firm up additional gas purchases.
2. To expand fuel oil storage to 20 million gallons and fill tanks with an existing and future contract to keep them full.
3. Action being taken before the Texas Railroad Commission in connection with Austin's present gas supplier.
4. Rate increase authorized by Council in connection with electric, water and wastewater utilities.
5. Tax reduction of 8 cents, which is the largest tax reduction in about 20 years for Austin.
6. The 11-member committee report and the approval by the Council of a new policy in connection with refund contracts and other subdivision policies.

Mr. Davidson felt that overall Austin had a very good report, but he did not have the results as yet as to whether or not this would result in a change in Austin's bond rating; however, he felt that they were impressed with the City of Austin.

PROPOSED ORDINANCE CONCERNING CODE OF ETHICS AND FINANCE DISCLOSURE

Councilman Friedman discussed this by noting that it had originally been intended that there be two ordinances; but by the time he had finished drafting it and working out the different paragraphs, he decided to make it into one proposed ordinance establishing a Code of Ethics for the City of Austin, providing standards of conduct; and requiring the filing of financial activity statements, providing penalties, and providing a severability clause. He stated that copies had been distributed to the Council, and he added that the purpose of this proposed ordinance was for a preventive measure so that the public could be aware of what was going on.

Councilman Friedman moved that the Council set a public hearing for November 21, 1974, at 2:30 p.m. to consider the proposed ordinance. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox

Noes: None

Absent: Mayor Butler, Councilman Binder

REPORT CONCERNING CHRISTMAS LIGHTING

Mr. Randy Turner, Administrative Assistant, appeared before the Council concerning a report from the Energy Conservation Commission with regard to Christmas lighting. He stated that the Commission's Chairman, Mr. Richard E. Whorrall, was unable to attend due to illness; and he listed the following recommendations of the Commission:

1. The lighting of the giant Christmas tree in Zilker Park from dusk until 9:30 p.m. from December 14-25.
2. The lighting of Congress Avenue and a portion of 6th Street from dusk until 9:30 p.m. from November 27-December 25.
3. The lighting of Yule Fest and Garden Center from December 18-23.

Mr. Turner pointed out that the City would realize a 95% reduction in energy consumed over the 1972 level. He added that the Commission felt that this proposal was a sensible approach and was consistent with Austin's conservation efforts.

In response to Councilman Friedman's question, Mr. Turner listed the following as being recommended for elimination of lighting:

1. Three electric power facilities.
2. Four libraries.
3. Twelve fire stations.
4. Three bridges.
5. Three water filter plants.
6. Water and Sewer Service Building.
7. Water and Wastewater Administration Building.
8. Parks and Recreation Department Administration Building.
9. Doris Miller Auditorium
10. Urban Transportation Building.
11. Municipal Building.

12. Robert Mueller Airport.

13. Brackenridge Hospital.

Mr. Turner further indicated that the greatest reduction was in operating hours.

Councilman Lebermann moved that the Council accept the report and adopt the recommendations of the Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Mayor Butler, Councilman Binder

Mayor Pro Tem Love announced that the Council would go into Executive Session in the Electric Building Conference Room as authorized by Section 2, Paragraph (f) of Article 6252-17, Texas Revised Civil Statutes.

The Council recessed at 2:15 p.m. to go into Executive Session.

EXECUTIVE SESSION ACTION

Mayor Pro Tem Love called the meeting to order at 2:25 p.m. and noted that the Council had been in Executive Session and that land acquisition was discussed and was now before the Council for action.

Councilman Friedman moved that the Council adopt a resolution instructing the City Manager to acquire drainage easements, where necessary, along and through the East branch of Johnson Creek downstream from Missouri Pacific Boulevard to, if necessary, Enfield Road, in an effort to alleviate the flooding problem at the present time. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Dryden, Friedman, Handcox,
Lebermann

Noes: None

Absent: Councilman Binder, Mayor Butler

ADJOURNMENT

The Council adjourned at 2:30 p.m.

APPROVED _____

ATTEST:

Mayor Pro Tem

Grace Monroe

City Clerk